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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 United States,
12
13 Plaintiff,
14 v.
15 Brandon Lewis,
16 Defendant.

Case No. 2:19-cr-00190-DJA-NJK

**Stipulation to Set Joint Change
of Plea and Sentencing Hearing**

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between
19 Nicholas A. Trutanich, United States Attorney, and Brian Whang, Assistant
20 United States Attorney, counsel for the United States of America, and Rene L.
21 Valladares, Federal Public Defender, and Raquel Lazo, Assistant Federal Public
22 Defender, counsel for Brandon Lewis, that this Court schedule a joint change of
23 plea and sentencing hearing in sixty (60) days.
24
25
26

1 The Stipulation is entered for the following reasons:

2 1. Mr. Lewis has entered into a plea agreement with the government.
3 The executed plea agreement has been forwarded to this Court's deputy clerk. The
4 parties request that this court set the change of plea and sentencing on the same
5 day. Considering the COVID-19 pandemic, this will alleviate the need for an
6 additional hearing and expedite resolution of this case. Because Mr. Lewis is
7 currently in state custody in California, this will alleviate any issues with
8 scheduling multiple telephonic hearings with the state detention facility. Finally,
9 this will also permit Mr. Lewis to take full advantage of the joint recommendation
10 for a credit for time served sentence (a benefit conferred by the plea agreement)
11 without having to request an expedited sentencing hearing or wait the traditional
12 90 days from the date of the change of plea hearing. The parties request that this
13 hearing be scheduled in 60 days to permit probation to prepare the presentence
14 investigation report.

15 2. Probation has no objection to this request and can complete the
16 presentence investigation report in 60 days.¹ Mr. Lewis's has executed a Consent
17 to Institute a Presentence Investigation and Disclose the Report Before Conviction
18 or Plea of Guilty (Prob Form 13E) which will enable probation to commence the
19 interview and begin preparing the report. Additionally, Mr. Lewis has
20 contemporaneously filed a Rule 32 Waiver.

21 3. The parties have contemporaneously filed a stipulation to continue
22 the calendar call and trial dates in order to have the necessary time to set the
23 hearing.
24

25 _____
26 ¹ Probation and defense counsel have scheduled Mr. Lewis's presentence investigation
interview for August 26, 2020.

1 4. The defendant agrees with the request to have a joint plea and
2 sentencing hearing. He further agrees to have both hearings proceed
3 telephonically whether held individually or jointly.²

4 DATED this 21st day of August, 2020.

5 RENE L. VALLADARES
6 Federal Public Defender

 NICHOLAS A. TRUTANICH
 United States Attorney

7 */s/ Raquel Lazo*
8 By _____

/s/ Brian Whang
 By _____

9 RAQUEL LAZO
 Assistant Federal Public Defender

 BRIAN WHANG
 Assistant United States Attorney

25 ² Defense counsel will provide this Court's deputy clerk with a written and signed
26 waiver. Mr. Lewis's current detaining facility is unable to accommodate a video court
appearance.

United States,
Plaintiff,
v.
Brandon Lewis,
Defendant.

Based on the Stipulation of counsel and good cause appearing,
IT IS ORDERED that the change of plea and sentencing hearing is
scheduled on October 26, 2020, at 3:00 p.m.

[Signature]

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